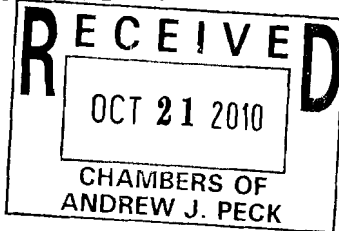


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VIA FACSIMILE

The Honorable Andrew J. Peck
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1370
New York, New York 10007

October 21, 2010

DOCUMENT
ELECTRONICALLY FILED

DOC#

DATE FILED: 10/21/2010

BY FAX

MEMO ENDORSED

Conf adjourned at defendants' request to 11/10 at 9:30 AM.

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

Re: *Simon-Whelan v. The Andy Warhol Found. for the Visual Arts, Inc., et al.,*
1:07-cv-06423 (LTS)(AJP) (S.D.N.Y.)
Shaer v. The Andy Warhol Found. for the Visual Arts, Inc., et al.,
1:10-cv-00373 (LTS)(AJP) (S.D.N.Y.)

*any other?
All good
Zep*

Dear Judge Peck,

We write to request a brief adjournment of the status conference scheduled for Monday, October 25, 2010 at 9:30 a.m. Nicholas Gravante, who has attended every conference before Your Honor and has also been the lead attorney at Boies, Schiller & Flexner LLP handling all potential settlement issues, is currently out of the country in the Middle East on a long-scheduled trip and will not be returning until Thursday, October 28, 2010. It is thus very important to Defendants that Mr. Gravante be able to attend this conference, particularly in light of Your Honor's order that all parties be prepared to meaningfully discuss a potential full resolution of all claims.

Thus, Defendants respectfully request a short adjournment of the status conference. Mr. Redniss and the Plaintiffs have consented to this brief adjournment, and in an attempt to facilitate any possible rescheduling, all of the parties and the insurance carrier are available on November 1, 2010. If November 1 is not available to Your Honor and you are inclined to grant this brief adjournment, then we will find alternative dates that meet Your Honor's schedule as soon as possible.

Respectfully,

[Signature]
Ryan T. McAllister

cc: Seth Redniss, Esq.